



FLORIDA DEPARTMENT OF LAW ENFORCEMENT

INVESTIGATIVE SUMMARY

FDLE CASE NUMBER: MI-48-2403

CASE AGENTS: Special Agent Paul Marcus
Special Agent Kelly Rawson

OFFENSE COMMITTED: Sexual Harassment

DEFENDANT: Leonard Burgess (Chief), Miami-Dade Police
Department

COMPLAINANT: Carmen Pichardo (Major), Miami-Dade Police
Department

On November 5th, 2008, Maj. Carmen Pichardo came to the Florida Department of Law Enforcement, Miami Regional Operations Center, to provide a statement concerning a possible allegation of misconduct against Chief Leonard Burgess of the Miami-Dade Police Department. This particular allegation was a component of a prior investigation in which Maj. Carmen Pichardo was the complainant.

Maj. Carmen Pichardo alleged she was transferred from her position in the Economic Crimes Bureau because she expressed concerns about Chief Burgess to Assistant Director James Loftus. Maj. Pichardo felt that she was transferred out of the Economic Crimes Bureau (ECB) in retaliation because she expressed these concerns. Maj. Pichardo stated "she brought something she felt was inappropriate to the attention of commanding officers and then all of a sudden, she became a problem when none of the issues were ever discussed with her."

One of the concerns she expressed occurred on May 18th, 2007, when she was invited to play golf with Chief Burgess. This golf outing was supposed to be after a meeting in the Hammocks District. After the meeting, she went to lunch with several other Miami-Dade Police employees. She then received a telephone call from Chief Burgess. Maj. Pichardo stated Chief Burgess told her to "meet him at Calusa Country Club." Maj. Pichardo said "she thought there were going to be other majors there to play golf." When she arrived she only saw Chief Burgess, Lt. Israel McKee and Sgt. Ralph Rodriguez.

Maj. Pichardo said that Sgt. Rodriguez was supposed to be transferred to the Economic Crimes Bureau the following Monday.

Maj. Pichardo said there were no other majors present and she felt uncomfortable being the only major there and that Lt. McKee and Sgt. Rodriguez were friends of Chief Burgess.

Maj. Pichardo indicated someone had a container of homemade Mojitos and everyone was drinking the Mojitos, except for Maj. Pichardo, who stated that "she poured hers out while riding in the golf cart with Chief Burgess." Maj. Pichardo stated that "the drinking made her uncomfortable and for this reason she put in a slip for time off the following Monday." Maj. Pichardo said that "she does not play golf, but Chief Burgess was teaching her how to play." Maj. Pichardo indicated "the only reason she went was for an opportunity to bond with the other majors", however, she was the only major present. "

Maj. Pichardo also expressed a concern about e-mails she received from Chief Burgess during the trip to Mexico in June 2007 for the North American Export Committee annual Auto Theft Export Summit. During the flight to Mexico, she received an e-mail text message from Chief Burgess which stated, "Pilot would like for you to be his copilot, Chica Rica." She stated that "she felt the text message was inappropriate and did not respond." A short time later, Lt. Greg Terp, who was seated next to Maj. Pichardo, received an e-mail text message from Chief Burgess, which stated, "Pilot wants to know if the lady next to you your WOMEN...inquiring minds." Maj. Pichardo said that Lt. Terp showed her the text message. According to transcripts' records, Lt. Terp responded with a text which stated, "Is the pilot male or female?" Chief Burgess responded by texting a message "Good point.....eclectic lifestyles and preferences.....the oriental flight attendant have Carmen interests...Mmmmmmm...check with Carmen and yourself if you guys have used the messenger icon on your blackberry." Maj. Pichardo said the text messages were inappropriate in her opinion and that no other text messages were sent during the remainder of the flight or the time in Mexico.

Maj. Pichardo said that shortly after returning from the Mexico trip, she went on vacation. Upon her return, she learned that Chief Burgess had visited her bureau asking questions. She subsequently spoke to Assistant Director Loftus about Chief Burgess and was abruptly transferred from the Economic Crimes Bureau to the Police Services Bureau.

Maj. Pichardo said that she was assigned to the Economic Crimes Bureau as the commanding officer of that bureau. Chief Burgess was her immediate commanding officer during this time period. During this conversation with Assistant Director Loftus, Maj. Pichardo expressed her concerns regarding Chief Burgess.

Maj. Pichardo stated that after coming forward with her concerns, she felt she was being targeted by Chief Burgess for mentioning to Assistant Director Loftus the golf outing and the inappropriate e-mails.

Maj. Pichardo said that on Aug. 28th, 2007, she was called to Assistant Director Loftus' office. She was told that members with the Professional Compliance Bureau wanted to speak to her and she had no idea what it was about. (Note: This meeting was prior to the Maj. Donald Rifkin investigation).

Maj. Pichardo said that Assistant Director Loftus, Chief Ricky Smith and Maj. Donald Rifkin were present. Maj. Pichardo was asked if she had any complaints against any command staff members of the Miami-Dade Police Department and she replied that she did not. Maj. Pichardo was specifically asked if she had a complaint against Chief Lenny Burgess at which time she indicated "No" and that she understood the proper venue for lodging a complaint would be with the Professional Compliance Bureau. (The meeting was documented as a memo to file for informational purposes by Maj. Rifkin).

On Nov. 5th, 2008, during her sworn statement to the Florida Department of Law Enforcement, Special Agent Marcus asked Maj. Pichardo if she had a complaint of sexual harassment against Chief Burgess. Maj. Pichardo stated "was it sexual harassment in the classical definition of sexual harassment, No, was it inappropriate behavior by a chief, Yes."

Maj. Pichardo stated, "Did I want to continue to make a big stink about it? No, I just wanted to move on and do my job, and let it die."

In conclusion, the Florida Department of Law Enforcement's interview with Maj. Pichardo revealed the fact she did not wish to pursue any further action with respect to Chief Burgess. This investigation will be referred back to the Miami-Dade Police Department.

During the course of this investigation, payroll documents, work sheets and schedules were requested. An examination of these documents found possible inconsistencies in regard to the work schedules and time sheets of Sgt. Rodriguez and Lt. McKee on May 18th, 2007, which may be a policy violation in regard to the golf outing, which Maj. Pichardo attended.

The payroll information revealed that both Sgt. Rodriguez and Lt. McKee were credited with eight hours of pay for May 18th, 2007. The work schedule for Lt. McKee showed his work hours as 8AM - 4PM with Saturday and Sunday as days off. In regards to Sgt. Rodriguez, a Miami-Dade Police Department Daily Activity Report for May 18th, 2007, revealed that he was working (unit N7310) from 8am to 4 pm.

The aforementioned information will be referred back to Miami-Dade Police for additional investigation along with any administrative action necessary.